

AMENDED II

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office APR 20 1970

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_ Map filed MAY 28 1970

The applicant John D Nevers Winters  
of P.O. Box 65, Dayton, County of \_\_\_\_\_

State of Nevada 89403, hereby makes application for permission to change the  
point of diversion and place of use

of water heretofore appropriated under decree in the water suits decision in water  
suit of Mary Jane Walsh v. Virginia & Truckee Railroad Co., et al,  
entered Nov. 14, 1885, in the District Court of the Second Judicial  
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)  
District of the State of Nevada, in and for the County of Ormsby.

1. The source of water is Gregory's Canyon Creek (Ash Canyon Creek)  
(Name of stream, lake or other source.)
2. The amount of water to be changed 16.367/100 of the flow  
(Second feet, acre feet.)
3. The water to be used for irrigation and domestic  
(If for stock state number and kind of animals.)
4. The water heretofore used for irrigation and domestic  
(If for stock state number and kind of animals.)
5. The water is to be diverted at the following point SE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 12, T.15N., R.19E., M.D.B.&M.,  
from which the SW cor. of said Sec. 12 bears S. 75° 35' 47" W.,  
(Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.)  
1585.96 feet.
6. The existing point of diversion is located within SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 12, T.15N., R.19E., M.D.B.&M.,  
at a point from which the southwest corner of said Sec. 12 bears  
(If point of diversion is not changed, do not answer.)  
S. 60° 10' 57" W. 1500.97 ft.
7. Proposed place of use 69.09 acres total. SW $\frac{1}{4}$ SE $\frac{1}{4}$  20.8 acres; SE $\frac{1}{4}$ SE $\frac{1}{4}$  19.7  
(Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)  
acres, Sec. 12; NE $\frac{1}{4}$ NE $\frac{1}{4}$  1.3 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$  0.05 acres, Sec. 13, T.15N.,  
R.19E.; SW $\frac{1}{4}$ SW $\frac{1}{4}$  18.3 acres, SE $\frac{1}{4}$ SW $\frac{1}{4}$  5.6 acres, Sec. 7; NW $\frac{1}{4}$ NW $\frac{1}{4}$  2.2 acres,  
NE $\frac{1}{4}$ NW $\frac{1}{4}$  1.0 acres Sec. 18, T.15N., R.20E., M.D.B.&M.
8. Existing place of use 134.09 acres. Same as above and NE $\frac{1}{4}$ NW $\frac{1}{4}$  3.6 acres,  
(Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.)  
SE $\frac{1}{4}$ NW $\frac{1}{4}$  20.6 acres, NW $\frac{1}{4}$ NE $\frac{1}{4}$  5.4 acres, SW $\frac{1}{4}$ NE $\frac{1}{4}$  31.9 acres, NE $\frac{1}{4}$ SW $\frac{1}{4}$  1.3 acres,  
NW $\frac{1}{4}$ SE $\frac{1}{4}$  2.2 acres, Sec. 18, T.15N., R.20E., M.D.B.&M.
9. Use will be from as decreed to \_\_\_\_\_ of each year.  
(Month) (Month)
10. Use has been from as decreed to \_\_\_\_\_ of each year.  
(Month) (Month)

11. Description of proposed works.

Dam and ditch. Portions of ditch to be concrete lined.

(Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)

(State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.)

12. Estimated cost of works \$200 diversion, \$4000 land development

13. Estimated time required to construct works two years

There has not been enough water to irrigate all 134.09 acres.

14. Remarks 65 acres of the existing place of use has been sold without the water rights, proposing through this application to use the water on the remaining 69.09 acres - 16/100 of the flow is S.A. Nevers decreed right & 0.367/100 of the flow is 1/6 of 2.2% of flow (A.G. Bath Right)

Compared jw/jb md/sb

Applicant s/ JohnD Nevers Winters

By

APPROVAL

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit to change the point of diversion and place of use of the waters of Ash Canyon Creek as heretofore granted under Permit 25546, is issued subject to the terms and conditions imposed in said Permit 25546, and with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State retains the right to regulate the use of the water herein granted at any and all times.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 16.367/100 of flow ~~xxxxxxx~~ 4 acre feet as decreed

Actual construction work shall begin on or before April 30, 1971

Proof of commencement of work shall be filed before May 30, 1971

Work must be prosecuted with reasonable diligence and be completed on or before April 30, 1972

Proof of completion of work shall be filed before May 30, 1972

Application of water to beneficial use shall be made on or before April 30, 1974

Proof of the application of water to beneficial use shall be filed on or before May 30, 1974

Map in support of proof of beneficial use shall be filed on or before May 30, 1974

Commencement of work filed May 21, 1971

Completion of work filed May 21, 1971

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

Recorded Bk. Page

IN TESTIMONY WHEREOF, I ROLAND D. WESTERGARD, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 30th day of October

A.D. 19 70

State Engineer